



Paper No. 22

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**OFFICE OF PETITIONS
A/C PATENTS**

In re Application of
Raju Kucherlapati, et al.
Application No. 08/234,145
Filed: April 28, 1994
Attorney Docket No. 43640002.24

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ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 15, 1996, to revive the above-identified application.

The petition is granted.

This application became abandoned for failure to timely respond to the Restriction Requirement Office action mailed March 8, 1996, which set a thirty day shortened statutory period for filing a response. Accordingly, the date of abandonment of this application is April 9, 1996. Therefore, since this petition was filed within one year of the date of abandonment, the petition complies with the one year filing period requirement in 37 CFR 1.137(b).

Extensions of time under 37 CFR 1.136 are available only if asked for "prior to or with the response." In no case, however, may an applicant respond later than the maximum time period set by statute. Accordingly, if the question of abandonment arises when the provisions of 37 CFR 1.136 can no longer be used, then the application is abandoned when the unextended time for response expired. Therefore, no extension fees are due on a petition for revival. In view thereof, the extension of time filed with the present petition is unnecessary and the fee has not been charged to petitioner's deposit account.

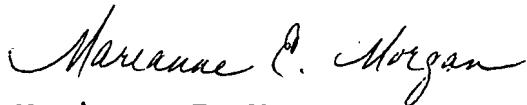
The statement that the "abandonment was unintentional" does not comply with 37 CFR 1.137(b).¹ However, the statement presented will be accepted as meaning that the "delay was unintentional." If this is an incorrect interpretation in view of the rules,

¹Effective September 20, 1993. See "Changes in Procedures for Revival of Patent Applications and Reinstatement of Patents," published at 1154 Official Gazette 4 (September 14, 1993).

petitioner is required to provide a statement to that effect.

The application file is being forwarded to Group 1800.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 308-6910.

A handwritten signature in cursive script, reading "Marianne E. Morgan".

Marianne E. Morgan
Legal Instruments Examiner
Office of Petitions
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects